



13 SEP 2006

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In re Application of  
FINN et al.  
U.S. Application No. 10/534,222  
PCT No.: PCT/AU03/01480  
It. Filing Date: 10 November 2003  
Priority Date: 08 November 2002  
Attorney Docket No.: 123-002  
For: A DISTILLATION UNIT AND A  
METHOD OF DISTILLATION

## DECISION ON PETITION

This decision is issued in response to applicants' "Renewed Petition under 37 CFR 1.47(a)" filed 23 August 2006 to accept the application without the signature of joint-inventor, John Barry Finn.

**BACKGROUND**

On 10 November 2003, applicants filed international application PCT/AU03/01480, which claimed priority of an earlier application filed 08 November 2002. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 21 May 2004. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 08 May 2005.

On 06 May 2005 applicants filed a transmittal letter for entry into the national stage in the United States, which accompanied by, inter alia: the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a copy of the international application; and an information disclosure statement.

On 21 October 2005, the United States Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond.

On 28 October 2005 and 15 December 2005, applicants filed a petition under 37 CFR 1.47(a). In a decision dated 23 February 2006, applicants' petition under 37 CFR 1.47(a) was dismissed without prejudice.

On 27 June 2006, applicants filed the present renewed petition under 37 CFR 1.47(a). In a decision dated 14 July 2006, applicants' petition under 37 CFR 1.47(a) was

dismissed without prejudice.

On 23 August 2006, applicants filed the present renewed petition under 37 CFR 1.47(a).

### DISCUSSION

A review of the present petition and the accompanying papers reveal that applicants have satisfied item (2), in that the applicants have shown that a bona fide attempt was made to present the application papers, including the specification, claims, and drawings to John Barry Finn. The steps taken by Brian Douglas Jenkins, Phillip Pluck, and Barry Meskin are sufficient to show that John Barry Finn has refused to execute the application.

Accordingly, it is appropriate to accord the national stage application status under 37 CFR 1.47(a).

### CONCLUSION

The renewed petition under 37 CFR 1.47(a) is GRANTED.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the nonsigning inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.



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UNITED STATES PATENT AND TRADEMARK OFFICE

13 SEP 2006

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Dear John Barry Finn:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

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